

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERMENEGILDO ZENGA CORPORATION,	:	
Plaintiff,	:	No. 1:08-cv-02043-NRB
	:	
-against-	:	ANSWER
	:	
MAURIZIO FASHIONS, INC., ELLESSE	:	
CORPORATION, ROCCO LAUNI, TERESA	:	
LAUNI, and SALVATORE DENUCCIO	:	
Defendants.	:	
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Defendant Teresa Launi ("Ms. Launi") answers the Amended Complaint of Plaintiff Ermenegildo Zenga Corporation ("Zenga") as follows:

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2.
3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and denies that defendant has or ever had possession of any goods bearing any purported Zegna Mark as contained in Paragraph 3.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4.
5. Defendant denies the allegations contained in Paragraph 5.
6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6.
7. Admits the allegations in Paragraph 7.

8. Deny the allegations in Paragraph 8.

9. Denies the allegations contained in paragraph 9.

10. Denies the allegations contained in Paragraph 10.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11.

12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13.

14. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14.

15. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15.

16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16.

17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17.

18. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18.

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20.

21. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21.

22. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22.

23. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24.

25. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25.

26. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26.

27. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27.

28. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28.

29. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29.

30. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30.

31. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31.

32. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32.

33. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33.

34. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34.

35. Admit Maurizio operates a garment store at 287 Bleecker Street, New York, NY 10014; denies the remaining allegation in Paragraph 35.

36. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36.

37. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37.

38. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38.

39. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39.

40. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40.

41. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41.

42. Denies the allegation in Paragraph 42.

43. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43.

44. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44.

45. Denies the allegation in Paragraph 45.

46. Denies the allegation in Paragraph 46.

47. Denies the allegation contained in Paragraph 47.

48. Denies the allegation contained in Paragraph 48.

49. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49.

50. Denies the allegation in Paragraph 50.

51. Denies the allegation contained in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52.

53. Denies the allegation contained in Paragraph 53.

54. Denies the allegation contained in Paragraph 54.

55. Denies the allegation contained in Paragraph 55.

56. Denies the allegation contained in Paragraph 56.

57. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57.

58. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58.

59. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59.

ANSWERING THE FIRST CAUSE OF ACTION

(Trademark Infringement Under Section 32 of the Lanham Act, 15 U.S.C. §1114)

60. Defendant Teresa Launi repeats and re-alleges her prior responses as if fully set forth from this point.

61. Denies the allegations in Paragraph 61.

62. Denies the allegations in Paragraph 62.

63. Denies the allegations in Paragraph 63.

64. Denies the allegations in Paragraph 64.

65. Denies the allegations in Paragraph 65.

ANSWERING THE SECOND CAUSE OF ACTION

(Unfair Competition and False Designation of Origin Under Section 43 of the Lanham Act, 15 U.S.C. §1125)

66. Defendant Launi repeats and re-alleges her prior responses as if fully set forth from this point.

67. Denies the allegations in Paragraph 67.

68. Denies the allegations in Paragraph 68.

69. Denies the allegations in Paragraph 69.

70. Denies the allegations in Paragraph 70.

71. Denies the allegations in Paragraph 71.

ANSWERING THE THIRD CAUSE OF ACTION

(Dilution Under Section 43 of the Lanham Act, 15 U.S.C. §1125)

72. Defendant Launi repeats and re-alleges her prior responses as if fully set forth from this point.

73. Denies the allegations in Paragraph 73.

74. Denies the allegations in Paragraph 74.

75. Denies the allegations in Paragraph 75.

76. Denies the allegations in Paragraph 76.

77. Denies the allegations in Paragraph 77.

78. Denies the allegations in Paragraph 78.

79. Deny the allegations in Paragraph 79.

80. Denies the allegations in Paragraph 80.

ANSWERING THE FOURTH CAUSE OF ACTION

(Injury to Business Reputation and Dilution Under New York General Business

Law Section 360-1)

81. Defendant repeats and re-alleges her prior responses as if fully set forth from this point.

82. Denies the allegations in Paragraph 82.

83. Denies the allegations in Paragraph 83.

84. Denies the allegations in Paragraph 84.

85. Denies the allegations in Paragraph 85.

ANSWERING THE FIFTH CAUSE OF ACTION

(False Advertising Under New York Law)

86. Defendant Launi repeats and re-alleges her prior responses as if fully set forth from this point.

87. Denies the allegations in Paragraph 87.

88. Denies the allegations in Paragraph 88.

89. Denies the allegations in Paragraph 89.

90. Denies the allegations in Paragraph 90.

ANSWERING THE SIXTH CAUSE OF ACTION

(Unfair Competition under New York Law)

91. Defendant Launi repeats and re-alleges her prior responses as if fully set forth from this point.

92. Denies the allegations in Paragraph 92.

93. Denies the allegations in Paragraph 93.

94. Denies the allegations in Paragraph 94.

DEFENSES

Without assuming the burden of proof on any matter, Defendant Launi alleges the following defenses:

1. The actions and the conduct that the Defendant did engage in were not likely to cause actual confusion, mistake or to deceive.

2. The clothing at issue is not sufficiently similar to support a finding of likely confusion;

3. The consumers of the clothing at issue are sophisticated consumers who are conscious of the distinct nature and extent of the products at issue;

4. The defendant is not or never has been an agent of Maurizio Fashions, Inc.

5. The defendant is not or never has been an owner of Maurizio Fashions, Inc.

6. The defendant has not ever marketed or sold any men's suits.

7. The defendant did not intend to injure the plaintiff or anyone else.

8. The actions that the defendant did engage in do not constitute wrongful or unlawful infringement as a matter of law;

9. The defendant has never misrepresented the nature, characteristics, qualities or geographic origin(s) of goods sold or advertised for sale;

10. The Plaintiff has not demonstrated, and cannot demonstrate, a likelihood of success on the merits and are not entitled to injunctive relief;

11. The Plaintiff have not suffered, and are not threatened with any irreparable injury and are not entitled to any injunctive relief;

12. The Plaintiff's claims are barred by the equitable doctrine of unclean hands;

13. The Plaintiff's claims are barred by the equitable doctrine of laches;

14. The complaint fails to state a cause of action;

15. The Court lacks personal jurisdiction over defendant Launi.

WHEREFORE, Defendants pray:

1. That Plaintiff take nothing by reason of the Complaint and that the same be dismissed;

2. That judgment be entered against Plaintiff in favor of Defendant;

3. That Defendant be awarded costs of suit incurred herein, including such reasonable attorney's fees as may be allowed by case or statutory authority and/or agreement of the parties; and

4. Such other and further relief as this Court may deem just and proper.

Dated: May 14, 2008
New York, New York

MEENAN & ASSOCIATES, LLC

/s/

Colleen M. Meenan, Esq. (CM 7439)
Attorney for Defendant Teresa Launi
64 Fulton Street, Ste. 502
New York, NY 10038
Phone: (212) 226-7334
Fax: (212) 226-7716

To: Mark Lerner, Esq.
Satterlee Stephens Burke & Burke LLP
Attorney for Plaintiff
230 Park Avenue, Ste. 1130
New York, NY 10169